

**REMARKS**

Claims 1-25 are pending in the application. By this Amendment, the specification has been amended to remove references to specific claim numbers, as noted by the Examiner. Also, claims 1-4, 6-20 and 22-25 are amended. Claims 5 and 21 are cancelled without prejudice or disclaimer. Reconsideration is respectfully requested in view of the above amendments and the following remarks.

Applicants gratefully acknowledge the Examiner's indication that claims 4, 5 and 9 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

**Claim Rejections Based on § 103(a)**

The Office action rejects claims 1-3, 6, 11, 15, 16 and 20-25 under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,061,878 to Patelli et al. in view of U.S. Patent No. 878,884 to Kip et al. The rejection is respectfully traversed.

Patelli et al. discloses a carding machine in which the main carding drum receives the fibers from a multiple number of briseurs operating in parallel to feed the main carding drum at different points. Kip et al. discloses a carding machine that uses a plurality of sets of flats that rotate at variable speeds in a direction opposite to that of the main carding drum.

To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be some expectation of success. Third, the prior art references must disclose or suggest all of the claimed features. MPEP 2143. Claim 21 is cancelled. Applicants respectfully submit that these criteria have not been met for claims 1-3, 6, 11, 15, 16, 20 and 22-25 as amended.

Claim 1 of the present invention discloses a carding machine with a "system of flats for carding the said fibers, ... in which the system of flats comprises a plurality of sets of moving flats arranged downstream of the briseurs, **wherein the movement of each of the sets of moving flats is capable of traveling both against and with a direction of rotation of the main drum.**" As the Examiner notes, Patelli et al. does not disclose that the system of flats that comprises a plurality of sets of moving flats arranged downstream of the briseurs. Kip et al. discloses a plurality of sets of flats. However, neither Patelli et al. or Kip et al. teach or suggest a

system where a plurality of sets of flats are capable of traveling in different directions relative to each other or relative to the main drum. Thus, the combination of Patelli et al. and Kip et al. fails to teach or suggest the invention recited in claim 1. In addition, neither Patelli et al. nor Kip et al. provide the requisite motivation to modify and/or combine their teachings to arrive at the Applicant's claimed invention.

Claims 2-3 depend from independent claims 1. Thus, it is respectfully submitted that dependant claims 2-3 are distinguishable over the applied references for at least the reasons described above. Therefore, withdrawal of the rejection of claims 1-3 is respectfully requested.

Claims 6, 11, 15, and 16 have been amended to now depend from independent claim 4. Claim 4 has been indicated to contain allowable matter. Thus, it is respectfully submitted that dependant claims 6, 11, 15, and 16 are distinguishable over the applied references for at least the reasons described above. Therefore, withdrawal of the rejection of claims 6, 11, 15, and 16 is respectfully requested.

Claims 20-25 have been rejected on the assertion that the claimed method steps are disclosed in the combination of Patelli et al. and Kip et al. Claim 20 recites "**a first set of moving flats having a covering provided with a plurality of teeth having a predetermined population**" and "**a second set of moving flats having a covering provided with a plurality of teeth having a different population from that of the first set of moving flats.**" As the Examiner has noted previously with respect to claim 4, none of the cited references alone or in combination teach or suggest a carding system as claimed, including these features.

Claims 22-25 depend from independent claims 20. Thus, it is respectfully submitted that dependant claims 22-25 are distinguishable over the applied references for at least the reasons described above. Therefore, withdrawal of the rejection of claims 20 and 22-25 is respectfully requested.

The Office action rejects claims 7-9 under 35 USC § 103(a) as being unpatentable over Patelli et al. in view of Kip et al., and further in view of U.S. Patent No. 6,477,742 to Pferdmenges et al. The rejection is respectfully traversed.

Patelli et al. discloses a carding machine in which the main carding drum receives the fibers from a multiple number of briseurs operating in parallel to feed the main carding drum at different points. Kip et al. discloses a carding machine that uses a plurality of sets of flats, with a refining region between them, that rotate at variable speeds in a direction opposite to that of the

Application No. 10/608,186  
Amendment dated July 22, 2004  
In reply to Office Action mailed March 22, 2004

main carding drum. The combination of Patelli et al. and Kip et al. do not disclose a refining region with suction nozzles. The Examiner states that Pferdmenges et al. teaches a carding machine having a suction nozzle arranged adjacent to the carding drum and in between a set of moving flats and a set of fixed flats.

Claims 7-9 have been amended to depend from independent claim 4, which was found to have allowable subject matter. Thus, it is respectfully submitted that defendant claims 7-9 are distinguishable over the applied references for at least the reasons described above. Therefore, withdrawal of the rejection of claims 7-9 is respectfully requested.

The Office action rejects claims 12-14 under 35 USC § 103(a) as being unpatentable over Patelli et al. in view of Kip et al., and further in view of U.S. Patent No. 5,448,800 to Faas et al. The rejection is respectfully traversed.

In addition to the combination of Patelli et al. and Kip et al., the Examiner states that Faas et al. teaches a carding machine having a carding drum and a precarding region upstream of a set of moving flats and a post-carding region downstream of the moving flats.

Claims 12-14 have been amended to depend from independent claim 4, which was found to have allowable subject matter. Thus, it is respectfully submitted that defendant claims 12-14 are distinguishable over the applied references for at least the reasons described above. Therefore, withdrawal of the rejection of claims 12-14 is respectfully requested.

The Office action rejects claims 17-19 under 35 USC § 103(a) as being unpatentable over Patelli et al. in view of Kip et al., and further in view of U.S. Patent No. 6,571,428 to Patelli et al. The rejection is respectfully traversed.

In addition to the combination of Patelli et al. '878 and Kip et al., the Examiner states that Patelli et al. '428 teaches a carding drum having a first briseur and a second briseur wherein auxiliary mechanisms are provided upstream of the second briseur in order to provide initial processing and cleaning of the fibers before they enter the main carding zone.

Claims 17-19 have been amended to depend from independent claim 4, which was found to have allowable subject matter. Thus, it is respectfully submitted that defendant claims 17-19 are distinguishable over the applied references for at least the reasons described above. Therefore, withdrawal of the rejection of claims 17-19 is respectfully requested.

Application No. 10/608,186  
Amendment dated July 22, 2004  
In reply to Office Action mailed March 22, 2004

Claim Objections Due to Dependent Form

Claim 4, 5 and 10 are indicated to contain allowable subject matter. (We note that the text of the Office Action appears to inadvertently list claim 9, instead of claim 10, as containing allowable subject matter.) The claims are objected to as being dependent upon a rejected base claim. Claim 4 has been amended in independent form to incorporate the features of the original base claim 1 and original intervening claims 2-3. Claim 5 is cancelled by this Amendment without prejudice or disclaimer, and claim 10 depends indirectly from claim 4. Therefore, withdrawal of the objection to claims 4 and 10 is respectfully requested.

Application No. 10/608,186  
Amendment dated July 22, 2004  
In reply to Office Action mailed March 22, 2004

**CONCLUSION**

In view of the foregoing, Applicants submit that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this case might be advanced by discussing the application with Applicants' representative, in person, or over the telephone, we would welcome the opportunity to do so.

EXCEPT for fees payable under 37 CFR §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 CFR §1.16 and 1.17 which may be required, including any required extension of time fees, or credit, any overpayment to deposit account No. 50-1349. This paragraph is intended to be a constructive petition for extension of time in accordance with 37 CFR §1.136(a)(3).

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1349.

Respectfully submitted,

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